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12 *Attorneys for Defendants*
C. R. Bard, Inc. and
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14

15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE DISTRICT OF ARIZONA**

17 IN RE: Bard IVC Filters Products Liability MDL NO. 15-02641-PHX-DGC
18 Litigation

19 This Document Relates to:

20 ARON ALDRIDGE, an individual,

21 Plaintiff,

22 v.

Case No. CV-15-02500-PHX-DGC

23 C. R. BARD, INC., a New Jersey
24 Corporation; AND BARD PERIPHERAL
25 VASCULAR INC., (a subsidiary and/or
Division of Defendant C. R. BARD, INC.)
an Arizona Corporation,

**DEFENDANTS' MOTION TO
DISMISS THE PLAINTIFF'S
COMPLAINT**

26 Defendants.

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Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively, “Bard”) hereby move to dismiss the plaintiff’s Complaint (the “Complaint”) pursuant to Federal Rule of Civil Procedure 12(b). At the time the Complaint was filed on behalf of Aron Aldridge, in his individual capacity, for his alleged personal injuries, he was already deceased. As the Court has previously held,¹ a deceased party cannot be a party to a legal action and, as a result, the Complaint is a legal nullity, and the Court has no jurisdiction over it. Defendants therefore respectfully request that the Court dismiss the Complaint with prejudice.

The arguments in support of this motion to dismiss are set forth in the accompanying memorandum of law, which is incorporated herein by reference.

This 14th day of November, 2016.

s/Richard B. North, Jr.
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**Attorney for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.**

¹ *In re: Bard IVC Filters Prod. Liab. Litig.*, No. 2641, 2016 WL 3055112, at *1 (D. Ariz. May 31, 2016), appeal dismissed (July 15, 2016).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 14, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Richard B. North, Jr.
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